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Attorney for Plaintiff,
URBANLIP.COM LTD.

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

URBANLIP.COM LTD.

Plaintiff,

v.

LEREVE SKIN INSTITUTE INC., a
California Corporation; HELEN YU, an
individual; and DOES 1 through 10
inclusive,

Defendant.

Case No. _____

**COMPLAINT FOR DAMAGES AND
INJUNCTIVE RELIEF**

DEMAND FOR JURY TRIAL

Plaintiff, urbanlip.com ltd. alleges as follows:

JURISDICTION AND VENUE

1. This is a civil action seeking damages and injunction relief for
copyright infringement under the Copyright Act of the United States, 17 U.S.C. §
101 *et seq.*

1 Defendants sued herein as DOES 1 through 10, inclusive, and for that reason, sues
2 such Defendants under such fictitious names. Plaintiff is informed and believes
3 and on that basis alleges that such fictitiously named Defendants are responsible in
4 some manner for the occurrences herein alleged, and that Plaintiff's damages as
5 herein alleged were proximately caused by the conduct of said Defendants.
6 Plaintiff will seek to amend the complaint when the names and capacities of such
7 fictitiously named Defendants are ascertained. As alleged herein, "Defendant"
8 shall mean all named Defendants and all fictitiously named Defendants.
9

10 FACTUAL ALLEGATIONS

11
12
13 9. Urbanlip is a professional media company specializing in health,
14 beauty and fashion imaging.

15 10. Urbanlip imaging has been featured in advertising and branding
16 campaigns for companies such as the Estee Lauder Group, Avon, Olay, Nivea,
17 Arm & Hammer, Cover Girl, Avon, Time Inc., Conde Nast, and Walmart.

18 11. Urbanlip is the rights holder to four original photographs (the
19 "Image"), true and correct copies of which are attached hereto as Exhibit A.
20

21 12. The Images are registered with the United States Copyright Office
22 under registration number VA 2-031-180.
23

24 **Defendant Yu's 2012 Infringement Of Urbanlip Photographs**

25 13. In 2012, Urbanlip was contacted by Defendant Yu on behalf of a
26 company called Merveille Beauty & Health, Inc. ("Merveille Beauty").
27
28

1 14. Defendant Yu, who identified herself as the CEO of Merveille
2 Beauty, sent an inquiry through Urbanlip's website requesting a licensing fee
3 quote for use of some of Urbanlip's photographs, including one of the Images, for
4 use in connection with products sold by Merveille Beauty.
5

6 15. Shortly thereafter, Urbanlip discovered that six of its photographs
7 were being used to promote a series of skin care products branded as
8 "D'LuxePeel" and "D'LuxeDerm" on the Merveille Beauty website and on the
9 social media site Flickr.
10

11 16. Urbanlip reviewed its records and determined that Defendant Yu had
12 not responded to the licensing fee quote provided by Urbanlip, nor did Urbanlip
13 have any record that Defendant Yu or anyone on behalf of Merveille Beauty paid a
14 licensing fee for use of Urbanlip's photographs.
15

16 17. On May 18, 2012 Urbanlip reached out to Defendant Yu by email
17 requesting that the photographs be immediately removed.
18

19 18. That same day, Defendant Yu responded acknowledging receiving the
20 licensing fee quote and stating that Merveille Beauty did not download the
21 photographs from the Urbanlip website and that they had been provided by a third
22 party advertising agency.
23

24 19. That same day, in a subsequent email to Urbanlip, Defendant Yu
25 stated, "My company [is] fully responsible for this including outsourcing [to the]
26 graphic freelance person we hired who used your image from [a] google search ...
27
28

1 Actually, we were considering to purchase [sic] 4 to 5 pictures from your today
2 with your quotation.”

3
4 20. Urbanlip and Defendant Yu continued to correspond, and Urbanlip
5 provided additional licensing fee quotes to Defendant Yu for potential license of
6 Urbanlip photographs.

7
8 21. On May 25, 2012, Defendant Yu agreed to a licensing proposal
9 provided by Urbanlip.

10 22. On May 28, 2012, Urbanlip sent an invoice to Defendant Yu in
11 accordance with the previously agreed upon proposal with instructions to wire the
12 payment to Urbanlip.

13
14 23. On May 31, 2012, Defendant Yu confirmed receipt of the invoice and
15 stated “we will transfer money today.”

16
17 24. On June 8, 2012, Urbanlip sent a follow up email requesting an
18 update on the status of the payment, as no wire transfer had been sent. Defendant
19 Yu responded that she would “check with my assistant and let you know.”

20
21 25. Subsequently, Defendant Yu ceased all contact with Urbanlip and no
22 licensing agreement was ever consummated nor was any payment ever received.

23 **Defendants’ Willful Infringement Of Urbanlip’s Images**

24
25 26. On or about June 2018, Urbanlip discovered that its Images were
26 being used by Defendant LeReve to promote a series of skin care products branded
27 as “ReveSkin” and “RevePeel.”
28

1 27. Urbanlip noticed a series of social media posts beginning in 2017 on
2 Instagram and Facebook using the Images to advertise the ReveSkin and RevePeel
3 brands (“Infringing Advertisements”).
4

5 28. Urbanlip also noticed that’s its Images were being used on the
6 ReveSkin and RevePeel product boxes, on print advertising brochures, on physical
7 print displays, and other print media (“Infringing Materials”).
8

9 29. Attached hereto as Exhibit B are true and correct copies screenshots
10 of the Infringing Advertisements and Infringing Materials.
11

12 30. After a brief investigation, Urbanlip discovered that Defendant Yu
13 was the president of Defendant LeReve.
14

15 31. On July 10, 2018, Plaintiff’s counsel sent detailed correspondence to
16 Defendant LeReve containing copies of the Infringing Advertisements and
17 Infringing Materials and requesting, *inter alia*, that Defendant LeReve
18 immediately cease and desist from using the Images without a proper license.
19

20 32. Subsequently, Plaintiff’s counsel received a response letter from
21 Defendant LeReve dated July 26, 2018 and signed by Defendant Yu stating in part:

22 “[W]e received your letter ... For the pictures in your claim that we use[d]
23 on our social media and some advertising material, we had no idea that
24 ‘Urbanlip’ that company [sic] has the copyright. We never had any business
25 relationship with them either setting up [an] account or download[ing]
26 pictures from their website.
27 ...
28

 We do use lots of pictures ... There are numerous pictures available on [the]
[I]nternet, for public use.
...

1 But the most important of all, Urbanlip has no grounds and evidence to put a
 2 claim against us. They should provide evidence that our company has
 3 downloaded the pictures from their server, if not, we cannot be responsible
 4 for their own fa[il]ure by releasing the image to other public sources without
 5 copyright notice. Your claim is invalid.

6 Helen Yu
 7 [Signature]
 8 President, LeReve Skin Institute Inc.”

9 33. Plaintiff’s counsel and Defendant Yu subsequently exchanged
 10 additional correspondence, however Defendants refused to resolve the matter or
 11 license the Images.

12 34. On information and belief, Defendant Yu personally directed the
 13 infringing activity alleged in this Complaint.

14 35. On information and belief, Defendant Yu had the right and ability to
 15 supervise and control the infringing use of Urbanlip’s Image in the Infringing
 16 Advertisements and Infringing Materials.

17 36. On information and belief, Defendants’ infringing conduct was willful
 18 because Defendant Yu had previous used Urbanlip photographs without a license,
 19 including one of the Images, through her previous company Merveille Beauty in
 20 2012.
 21
 22

23
 24 **FIRST CAUSE OF ACTION**
 25 **COPYRIGHT INFRINGEMENT**
 26 **17 U.S.C. § 101 *et seq.***

27 37. Plaintiff incorporates by reference all of the above paragraphs of this
 28 Complaint as though fully stated herein.

1 38. Plaintiff did not consent to, authorize, permit, or allow in any manner
2 the distribution of the Images by Defendants.

3 39. Plaintiff is informed and believes and thereon alleges that the
4 Defendants willfully infringed upon Plaintiff's copyrighted Images in violation of
5 Title 17 of the U.S. Code, because, *inter alia*, Defendant Yu knew it did not have
6 the right to use Images based on her previous dealings with Plaintiff in 2012.

7 40. As a result of Defendants' violations of Title 17 of the U.S. Code,
8 Plaintiff is entitled to any actual damages pursuant to 17 U.S.C. §504(b), or
9 statutory damages in an amount up to \$150,000.00 per infringement pursuant to 17
10 U.S.C. § 504(c).

11 41. As a result of the Defendants' violations of Title 17 of the U.S. Code,
12 the court in its discretion may allow the recovery of full costs as well as reasonable
13 attorney's fees and costs pursuant to 17 U.S.C § 505 from Defendants.

14 42. Plaintiff is also entitled to injunctive relief to prevent or restrain
15 infringement of its copyright pursuant to 17 U.S.C. § 502.

16
17
18 **PRAYER FOR RELIEF**

19 **WHEREFORE**, Plaintiff prays for judgment against Defendants as follows:

- 20
21
22
23 • For an order pursuant to 17 U.S.C. § 502(a) enjoining Defendants from any
24 further infringing use of any of Plaintiff's Images;
- 25 • For a seizure order directing the U.S. Marshal to seize and impound all items
26 possessed, owned or under the control of Defendants, their officers, agents,
27 servants, employees, representatives and attorneys, and all persons in active
28 concert or participation with them, which infringe upon Urbanlip's
copyrights, including but not limited to any and all broadcasting materials,

advertising materials, print media, signs, Internet web sites, domain names, computer hard drives, servers or any other media, either now known or hereafter devised, bearing any image which infringes, contributorily infringe, or vicariously infringes upon Urbanlip's copyrights in the Images as well as all business records related thereto, including, but not limited to, lists of advertisers, clients, customers, viewers, distributors, invoices, catalogs, and the like;

- For an accounting be made for all profits, income, receipts or other benefit derived by Defendants from the unlawful reproduction, copying, display, promotion, distribution, or sale of products and services, or other media, either now known or hereafter devised, that improperly or unlawfully infringes upon Plaintiff's copyrights pursuant to 17 U.S.C. §§ 504 (a)(1) & (b);
- For an award of actual damages and disgorgement of all of Defendants profits attributable to the infringement as provided by 17 U.S.C. § 504 in an amount to be proven or, in the alternative, at Plaintiff's election, an award for statutory damages against Defendants in an amount up to \$150,000.00 for each infringement pursuant to 17 U.S.C. § 504(c), whichever is larger;
- For costs of litigation and reasonable attorney's fees against Defendants pursuant to 17 U.S.C. § 505;
- For an award of pre- and post-judgment interest; and
- For any other relief the Court deems just and proper.

Dated: September 17, 2018

Respectfully submitted,

/s/ Mathew K. Higbee
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Counsel for Plaintiff

DEMAND FOR JURY TRIAL

Plaintiff, urbanlip.com ltd., hereby demands a jury trial in the above matter.

Dated: September 17, 2018

Respectfully submitted,

/s/ Mathew K. Higbee
Mathew K. Higbee, Esq.
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Counsel for Plaintiff

Exhibit “A”









Exhibit “B”

The screenshot shows a web browser window displaying the Facebook page for 'RevePeel & ReveSkin'. The browser's address bar shows the URL 'https://www.facebook.com/skininreve/'. The Facebook page header includes the 'facebook' logo, login fields for 'Email or Phone' and 'Password', and a 'Log In' button. The page profile picture is a red square with the text 'LeReve SKIN INSTITUTE INC.'. The page name is 'RevePeel & ReveSkin' with the handle '@skininreve'. The page is categorized as 'Medical & Health' and is located in 'Irvine, California'. The page has 10,545 likes and 10,489 followers. The main content area features a large banner for 'RevePeel & ReveSkin' with images of the products and a woman's face. Below the banner are sections for 'Shop', 'Posts', 'Page Story', 'Community', and 'About'. The 'Posts' section shows a post from June 4 at 12:13pm, reposted by @lawsonaestheticsandmedspa, featuring a photo of a woman's face and text describing the 'RevePeel' procedure. The 'About' section lists the phone number '+1 925-359-9349', the website 'www.revepeel.com', and the address 'Medical & Health - Skin Care Service - HealthBeauty'.

facebook

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LeReve SKIN INSTITUTE INC.

RevePeel & ReveSkin @skininreve

Home Shop Posts Videos Photos About Community

Contemporary Potent Safe

RevePeel MEDIUM DEPTH

ReveSkin THERAPEUTIC

Like Share Send Message

Send Message

Shop See All

Posts

RevePeel & ReveSkin June 4 at 12:13pm Instagram · @

#Repost @lawsonaestheticsandmedspa

This true medium depth physician strength peel by @revepeel_reveskin is amazing! Notice the difference in this patient's texture, fine lines, pigmentation and that glow! This in office procedure is combined with a post treatment at home regimen to ensure safe and beautiful results!

#revepeel #reveskin #hyperpigmentation #melasma #sundamage #chemicapeel #skinresurfacing #medicaesthetics #medicaesthetician #dermatology #dermatologist #nightenmask #medicalgradeskincare

Page Story Search for posts on this Page

RevePeel & ReveSkin Medical & Health in Irvine, California Always Open

Community See All

10,545 people like this

10,489 people follow this

About See All

+1 925-359-9349

www.revepeel.com


Medical & Health - Skin Care Service - HealthBeauty

Mountain Time: 12:15 am Thursday, Jun 7th, 2018

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https://www.facebook.com/skinlareve/




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Nirmal Chouhan and Jenna Wang like this.



Reveel & ReveSkin
May 21 at 2:00pm · Instagram · 6

Dream peel for dream skin! 🌟 Reveel is more than a traditional chemical peel in the market. It is a complete fully integrated skin disorder treatment for severe pigmentation, melasma, acne and acne scars, skin laxity and stretchable wrinkles. 🌟

With 3 levels of strengthen, depigmentation system and ReveSkin pre & post home care and wound healing system, Reveel and & ReveSkin can be customized for any skin condition and skin tone, delivering astonishing result. 🌟 #reveel #reveelskin #omniactivmask #chemicapeel #medicalaesthetics #skincare #skinrejuvenation #dermatologist #medicaesthetician #medicalgradeskincare #hyperpigmentation #melasma #acnescars #acnetreatment



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10,545 people like this
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